

and that is adopted it would not be necessary to submit Amendment J.

THE PRESIDENT: Very well.

Pages will please distribute Amendment I, I for Item.

This will be Amendment No. 7.

Will the Clerk read the amendment?

READING CLERK: Amendment No. 7 to Committee Recommendations GP-7, GP-8, GP-9, GP-12, R&P-1, and LB-3 as amended by Style Committee Report S&D-17 by Delegates Johnson, Della, Dorsey, Dukes, Hostetter, Jett, Kahl, Rush, Siewierski, Soul, Rybczynski, Stern, Sybert, H. Taylor, and Weidemeyer: On page 2 section 10.03, Constitutional Convention, in line 18 strike out the words "by law" and in the same line after the word "may" insert the following:

"enacted by the affirmative vote of three-fifths of all the members of each house,".

THE PRESIDENT: The amendment is submitted by Delegate Johnson and seconded by co-sponsors.

The Chair recognizes Delegate Johnson.

DELEGATE JOHNSON: Mr. President and ladies and gentlemen of the Convention, the only purpose for this amendment is to require a three-fifths affirmative vote by the General Assembly prior to calling a constitutional convention on its own accord. The only reason that the words "by law" were deleted was because of the fact that the drafting department felt that it was unnecessary inasmuch as that was the only way that the General Assembly may act. However, the Committee on Style decided to insert those words, and if it is consistent with their other actions it is of no consequence.

I ask that the delegates place before them section 10.03 of page 2 of the Style and Drafting Report before us because it is my opinion that we had not discussed this matter in detail before. You will note that 10.03 now reads that the General Assembly alone consequently only by majority action may call a constitutional convention without the requirement of putting it on referendum and without the requirement that the people of the State act upon it.

We feel that this is an unfortunate provision. I direct your attention to section 10.02, on page 1, the preceding section which you will note requires a three-fifths affirmative vote of the General Assembly in order to adopt an amendment to the

constitution. This same section also provides that only an affirmative vote of a majority of all the members of the constitutional convention is required in order to write either a new section or an entirely new constitution.

We submit that it would be a mistake to permit the General Assembly on a majority vote only to call a constitutional convention and together with that have the constitutional convention on a majority vote only write an entirely new constitution.

I asked the research department to look into this matter for us and their research has indicated that fifteen states while permitting their legislature to call a constitutional convention require that it be placed on referendum. Now, of the fifteen States we have such states as Michigan, Missouri, New Hampshire, New York, etc.

In addition to that, there are twenty-one states that require not only a two-third vote of the legislature prior to having a constitutional convention, but in addition to that a referendum also, and those states include California, Florida, Maine, North Carolina, Oregon, etc. So that thirty-six states and the United States require something more than a majority of the general assembly acting alone to call a constitutional convention.

We feel that this amendment before you is a minimum type amendment and we urge that this Convention require that if the legislature or the General Assembly, I should say, is going to have the authority to call a constitutional convention that it be required to do so by three-fifths action.

Now, on the basis of the recommended house and senate, the 160-member General Assembly, you will note that in the House a majority is only sixty-one and the three-fifths vote that we recommend, although not a great deal higher as a minimum, will require seventy-two votes.

THE PRESIDENT: You have one half minute.

DELEGATE JOHNSON: In the proposed Senate a majority would be twenty-one. Three-fifths would be twenty-four and we submit that this is a minimum so this amendment would require the affirmative vote of both houses of ninety-six votes rather than under the original language eighty-two.

If this particular amendment is adopted, it will not, in my opinion, be necessary to call forth Amendment J which would ordinarily require a referendum on each con-